

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. James Brooks Hawkins, Jr.

Docket No. 5:10-CR-81-1D

Petition for Action on Supervised Release

COMES NOW Tiffany C. Peacock, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Brooks Hawkins, Jr., who, upon an earlier plea of guilty to Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on February 23, 2011, to the custody of the Bureau of Prisons for a term of 72 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

James Brooks Hawkins, Jr. was released from custody on August 21, 2015, at which time the term of supervised release commenced. On August 27, 2015, as a result of the defendant having a prior sex offense conviction, the court modified the conditions of supervision to include: no contact with anyone under the age of eighteen without the permission of the probation officer; no contact with the victim(s) or the victim's family; not possess any pornographic material; have no social networking accounts without approval of the probation office; and not be employed or volunteer with any position that has direct or indirect contact with children under the age of eighteen without permission of the probation office.

On September 9, 2015, a Violation Report was submitted to the court advising that the defendant was charged in Wake County, North Carolina, with Driving While License Revoked (15CR754342), and the defendant was instructed not to operate a motor vehicle until properly licensed. The court agreed to continue supervision.

On December 24, 2015, the defendant committed the offense of Driving While License Revoked (15CR726916), in Cumberland County, North Carolina. On January 27, 2016, the defendant committed the offense of Driving While License Revoked (16CR708319), in Wake County, North Carolina. On February 11, 2016, the defendant committed the offense of Driving While License Revoked (16CR703286), in Cumberland County, North Carolina. The defendant was advised verbally to refrain from driving until his privileges have been restored. As a sanction for this conduct and in an effort to deter future criminal conduct, the court agreed to the conditions of supervised release being modified to include ten days confinement in the custody of the Bureau of Prisons.

On August 17, 2016, the defendant appeared before the Honorable James C. Dever III, Chief U.S. District Judge, to hear the matter to add the condition that prohibits the defendant from entering adult bookstores, sex shops, clubs or bars with exotic or topless dancers, or massage parlors. A formal letter from the defendant's counselor at Integrated Behavioral Healthcare Services, Inc. was requested by the Federal Public Defender's Office, and the case was continued until the next available court date.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

The defendant has signed a waiver to add the condition that prohibits him from entering adult bookstores, sex shops, clubs or bars with exotic or topless dancers, or massage parlors. On August 16, 2016, Chris Dempster, a counselor at Integrated Behavioral Healthcare Services, Inc., provided a letter stating he believes the defendant does require this modification to his conditions. He stated he believes this would establish treatment and legal boundaries that will assist the defendant with a clear understanding of probation guidelines and assist with his treatment goals. He went on say, these conditions will also aid by

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reducing his exposure to high risk situations that might result in a sexual re-offense by others outside of the defendants control. On October 21, 2016, the Federal Public Defender's Office and the United States Attorney's Office were contacted and neither had an objection to the modification. As a result of the defendant agreeing to the proposed modification, no additional hearing on this matter is required. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall not enter adult bookstores, sex shops, clubs or bars with exotic or topless dancers, or massage parlors.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Tiffany C. Peacock
Tiffany C. Peacock
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910-354-2545
Executed On: November 1, 2016

ORDER OF THE COURT

Considered and ordered this 3 day of November, 2016, and ordered filed and made a part of the records in the above case.

J. Dever
James C. Dever III
Chief U.S. District Judge